

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:05-00107

GEORGE M. LECCO
also known as "Porgy"
VALERI FRIEND

THIRTY-FOURTH SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF
AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS, AND
REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1(a) of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case on June 16, 2009, the United States of America, by counsel, herewith responds to each of defendant's Standard Discovery Requests as follows:

Request H: Disclose to defendant all evidence favorable to defendant, including impeachment evidence, and allow defendant to inspect, copy or photograph such evidence.

Response: The United States submits the following:

- (1) Bureau of Prisons Incident Report for James Michael Kitchen, dated November 9, 2009 (Lecco, et al - 6057 to 6062);
- (2) Death Certificate of Michael Looney, (6063); and
- (3) Petition for Writ of Habeas Corpus of James Michael Kitchen, filed April 2, 2010; (6064-6067).

The United States would also submit that James Michael Kitchen is being paid a witness fee of \$40 per day, M&IE Per Diem for Charleston, WV of \$51 for a full day away from home and \$25.50 on travel days from the Fees and Expenses of Witnesses (FEW) appropriation. FEW is the source of funding for witnesses appearing in court on behalf of the Department of Justice and for fact witnesses subpoenaed on behalf of the indigent defendants under the Criminal Justice Act. Additionally, his lodging is being billed directly to the United States Attorney's Office Fact Witness Lodging Account.

REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rules 16.1(b) and 16.1(d) of the Local Rules of Criminal Procedure, the United States of America requests that defendant provide all applicable reciprocal discovery within 10 days of the service of this response and the provision of materials requested by defendant in the Standard Discovery Request.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing "THIRTY-FOURTH SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS, AND REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing on this 14th of April, 2010, to:

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